IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 1ST NOVEMBER 2006 / 10TH KARTHIKA 1928

Bail Appl..No. 6446 of 2006()

PETITIONER:

SANTHOSH KUMAR, S/O.GOPI,
AGED 32 YEARS, AYYAPPA BHAVAN (KAZHUVIDAMULA),
CHANTHIROOR P.O., AROOR VILLAGE.

BY ADV. SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT;

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1. STATE OF KERALA, REPRESENTED BY
ITS DIRECTOR OF PUBLIC PROSECUTION
HIGH COURT OF KERALA, ERNAKULAM.

2. THE CIRCLE INSPECTOR OF POLICE,
KUTHIYATHODU POLICE STATION,
CHERTHALA, ALAPPUZHA DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6446 of 2006

Dated this the 1st November, 2006.

O R D E R

Petitioner is before this Court under Section 438 Cr.P.C., to avert his arrest, as he is being summoned by the Circle Inspector of Kuthiyathodu Police Station, allegedly on the complaint of another person, one Vinod, Son of Raghavan. It is submitted by the counsel that the petitioner has filed a civil case against the said Vinod, and as a counter blast to the civil case, the de facto complainant had lodged a false criminal complaint before the Circle Inspector of Police, Kuthiathodu. Petitioner, therefore, apprehends harassment and arrest, at the hands of the police. Hence, this application.

2. The learned Public Prosecutor, however, submitted that on the basis of the complaint, the petitioner is required for questioning, and so far, no crime is being registered against the petitioner.

3. In the above facts situation, if the petitioner is required to appear before the Circle Inspector of Police, Kuthiathode Police Station, in connection with any complaint, petition or other

matter pending in that station against the petitioner, the officer requiring the presence of the petitioner shall issue a notice under the Criminal Procedure Code, for his attendance, and in such event, the petitioner shall appear before the Investigating Officer.

4. If the petitioner is required to be arrested, the police officer proceeding against him shall inform him beforehand of such move against the petitioner.

This application is accordingly closed.

J.M. JAMES,
JUDGE

nj.